(66)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No. 1817 OF 2006

PETITIONER Maa Bhagwati Education Society, Kanker Through – the president. Dr. A.K. Gajpal R/o Gokulpur Ward, Dhamtari, Tahsil & Distt. – Dhamtari (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh Through the Secretary Department of Agriculture D.K.S. Bhawan, Mantralaya Raipur (Chhattisgarh)
2. Indira Gandhi Krishi Vishwavidyalaya, through the Vice Chancellor, Krishak Nagar Raipur (Chhattisgarh)
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya Krishak Nagar, Raipur (Chhattisgarh)
4. Kishan Lal Sahu, aged about 42 years S/o Shri Gokulram Ex. Incharge Director Agriculture College – Kanker, R/o Village – Lakhanpur, Tehsil – Charama, Distt. Kanker.

Present : Shri R.K. Gomasta, learned counsel for the petitioner.
Shri Yashwant Singh, learned Govt. Adv. for the State.

ORAL ORDER
(Passed on 17th April, 2006)

If I may say so, this writ petition is totally unrighteous and misconceived. The action taken by Indira Gandhi Krishi Vishwavidyalaya, the 2nd respondent herein, at the request of the petitioner itself, has been assailed in this writ petition. The petitioner – Society having obtained the permission from the 2nd respondent –

University vide order dated 19-12-2002 to start B.Sc. (Agri.) Programme w.e.f. academic session 2002 -2003, made admissions of the students to the Course. When the matter stood thus, the Secretary of the petitioner – Society wrote a letter dated 30-11-2005, followed by two more letters dated 19-12-2005 and 04-01-2006 to the University stating that the management is unable to continue the Course and, therefore, the students of the college be shifted to other colleges. The Secretary undertook to reimburse the expenditure for shifting of the students to other colleges. On receipt of the above request of the petitioner – Society contained in above letters, the 2nd respondent published the notice in the newspaper for public information and since the University did not receive any objections, the subject was placed before the Academic Council. The Academic Council of the University in its meeting held on 10-01-2006 resolved to accede to the request of the petitioner – Society. The Academic Council while passing the resolution further directed that after shifting of the students to other colleges, the petitioner – college should be treated as closed and affiliation and recognition granted to the petitioner – Society should be treated as cancelled / withdrawn. The above decision of the Academic Council of the University was notified in the University's Notification dated 13-01-2006. The decision of the Academic Council of the University was placed before the Board of Management in its 59th meeting held on 25-03-2006. The Board of Management resolved to ratify the above decision of the Academic Council.

(2) In the interregnum, it appears that the petitioner – Society as an after-thought wrote a letter on 01-02-2006 in which it sought to withdraw its earlier request contained in the above noted letters and

requesting the University to permit it to continue the Course on the ground that the problems are solved. Since that request was not acceded to by the University, this writ petition is filed seeking intervention of the Court.

(3) Heard learned counsel for the parties.

(4) The petitioner – Society cannot approbate and reprobate and take the University for a ride and it cannot seek relief depending upon its whims and fancies from time to time. The impugned action is not an action unilaterally taken by the University itself. The impugned action is in pursuance of several repeated requests made by the petitioner – Society itself expressing its inability to continue the Course and requesting the University to accommodate the students admitted by it in some other colleges. The request of the petitioner – Society was routed through Academic Council of the University as well as the Board of Management and both the Bodies have resolved to shift the students and also to cancel / withdraw the permission and recognition earlier granted to the petitioner – Society to conduct the Course. The request made by the petitioner at a belated stage, as an after-thought would not vitiate the action of the University. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Subbu